

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL
WRIT PETITION NO. 302 (SS) OF 2005

Manjul Kumar,
S/o Shri Prami Shanker,
Non-Medical Assistant,
Government Ayurvedik Hospital,
Bahadurpur Khadar,
Laksar, District Haridwar.

.....Petitioner.

Versus

1. State of Uttaranchal, through Secretary Medical Health, Dehradun.
2. Director General,
Medical Health & Family Welfare,
Uttaranchal, Dehradun,
3. State of U.P., through Secretary,
Medical Health, Secretary,
Lucknow.
4. Director General,
Medical Health Services,
Uttar Pradesh, Lucknow.
5. Union of India, through Director (C.R.),
Ministry of Personnel, Grievance and Pensions,
Lok Nayak Bhawan, Khan Market,
New Delhi.
6. State Advisory Committee,
Government of India, 1st Floor Gate No. 31,
Jawahar Lal Nehru Stadium New Delhi,
Through its Chairman.

.....Respondents.

Ms. Seema Sirohi, A. Chatterjee, advocates, for the petitioner.

Learned Standing Counsel for the State.

Dated: 13.02.2006

Hon'ble Rajesh Tandon, J.

Heard Ambarish Chatterjee, learned counsel for the petitioner, learned Standing Counsel for the respondents no. 1 and 2., Ms. Beena Pandey, learned counsel for the respondents no. 3 and 4 and Mrs. Anjali Bhargava, learned Standing Counsel for the respondents no. 5 and 6.

Both the parties have agreed that since counter and rejoinder affidavits have already been exchanged and

therefore, the matter be disposed of finally at the admission stage.

By the present writ petition, the petitioner has prayed for a writ of mandamus direction the respondents no. 1 and 2 to relieve the petitioner for the State of U.P. without further delay.

Brief facts giving rise to the present writ petition are that all the petitioners were appointed by the Director General Medical Health and Family Welfare, Dehradun in the year, 1999 on the post of Non-Medical Assistant in the pay scale of Rs. 3200-85-4900 and were posted under Chief Medical Officer.

The grievance of the petitioner is that the respondents no. 1 and 2 have not complied the government order dated 03.07.2004 and have relieved only few employees of their choice. On 28.12.2004 and 10.01.2005 two Non-Medical Assistants namely Surjeet Kumar Singh and Munesh Chandra were relieved respectively for the State of U.P., but the petitioner has not been relieved so far.

All the petitioners have submitted their representation before respondent no. 2 but no action has been taken on their representation so far.

A counter affidavit has been filed by the respondent no. 2. Paragraph 5 of the counter affidavit is quoted below:-

“That in reply to the contents of para 6 of the writ petition, it is submitted that Sri Munesh Kumar & Surjeet Kumar were relieved for Uttar Pradesh in compliance with the Government Order No. 2756/XXVIII-2-2004-430/2004 dated 13/12/2004 and the order of the Director General Medical Health and Family Welfare No. 3p/Para/Kusth/6/3/2004 dated 28.12.2004. The case of the petitioner is under the consideration of the State Advisory Committee, Gate No. 1, Jawahar Lal Stadium, Lodhi Road, New Delhi,”

In view of the aforesaid facts and circumstances, the respondents are directed to pass appropriate order on the representation filed by the petitioner within a period of six weeks from the filing of the certified copy of the order.

The writ petition is disposed of accordingly.

(Rajesh Tandon, J.)

13.02.2006

Rathour